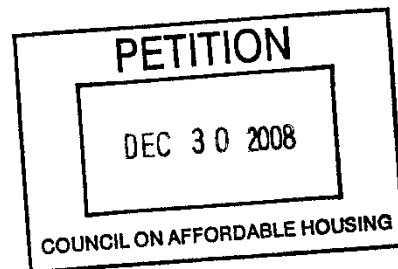

TOWNSHIP OF WAYNE
Passaic County, New Jersey

Township of Wayne Master Plan
2008 Housing Element and Fair Share Plan



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The original document was appropriately signed and sealed on December 12, 2008 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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Introduction

Enacted in 1985, the New Jersey Fair Housing Act established the Council on Affordable Housing (hereinafter referred to as COAH) who was given the responsibility of establishing rules and regulations to promote the development of affordable housing in the State of New Jersey. COAH was created in response to the extensive litigation arising from the Supreme Court's Mount Laurel decision wherein the court determined that every municipality had a constitutional obligation to provide opportunities for the development of affordable housing within their communities. COAH was created to expedite and otherwise remove the court system as a preferable mechanism for mediating and resolving fair housing issues.

COAH has established a process whereby municipalities may obtain "substantive certification" thereby establishing a municipal plan to provide opportunities for affordable housing development. In return for participation in the process and obtaining COAH certification, a certified municipality gains legal protections from Mount Laurel related builder remedy lawsuits.

Since the adoption of the Fair Housing Act and the creation of COAH, there have been two prior rounds or cycles of regulations adopted providing the methodology by which a community's fair share obligation can be addressed. COAH has promulgated new rules and the state is now entering what is referred to as the "third round" of affordable housing regulations. Substantive rules for the Third Round were adopted by COAH on December 20, 2004. The time period initially extended from January 2000 to December 2013, although compliance was to be achieved during the time period January 2004 to December 2013.

In response to the Appellate Division court decision rendered on January 25, 2007, COAH again revised its rules in June 2008 extending the Third Round time period to 2018. Under the newly adopted rules that became effective October 20, 2008, municipalities under COAH jurisdiction are to submit compliant Third Round Plans by December 31, 2008.

For municipalities seeking substantive certification in the third round, a municipality's third round fair share obligation consists of the following three components:

1. Rehabilitation Share: the number of substandard units occupied by low and moderate income households;
2. Remaining Prior Round Obligation: covering the first and second rounds from 1987-1999; and
3. Growth Share: The need for affordable housing generated by actual development growth from January 1, 2004 through December 31, 2018 based upon the number of new housing units constructed and jobs created as measured by new or expanded nonresidential development.

The concept of growth share is the most significant departure of calculating a community's fair share obligation from previous COAH regulations in prior rounds. Simply stated, the growth share model ties a municipality's affordable housing obligation to future growth. Under this model a municipality incurs an affordable housing obligation for every five units of market rate housing constructed and for every 16 jobs generated by net new non-residential construction.

Subsequent to the adoption of the Third Round Rules by COAH, Governor Corzine signed P.L. 2008, c.46 that amended the COAH rules by making significant changes to the Fair Housing Act affecting affordable housing requirements within the state.

The law established a Statewide non-residential development fee of 2.5%, eliminated Regional Contribution Agreements as a permissible mechanism for satisfying a portion of a municipalities affordable housing obligation, created a requirement that at minimum 13% of affordable housing units created be reserved for occupancy by very low income households, provided new regulations creating authority for regional planning entities to work with municipalities to create affordable housing and requiring a 20% affordable housing set-aside for state-funded initiatives and residential development within the jurisdiction of regional planning entities.

COAH rules require biennial monitoring of a third round certified housing plan to determine compliance and whether any adjustments to the plan are required to address changes in projected development that may alter the township's affordable housing requirements into the future.

A housing plan submittal must also include a spending plan detailing how a municipality's affordable trust fund dollars will be utilized to fund affordable housing opportunities in the community.

This document is intended to address Wayne Township's affordable housing obligation into the third round as required under current regulations adopted by COAH in June 2008 and rendered effective October 20, 2008. The plan provides for a determination of the township's third round obligation under the "growth share" model and provides a plan to address affirmatively the township's affordable housing requirement for the time period between 2004 thru 2018.

The township's Housing Element and Fair Share Housing Plan has been prepared pursuant to the provisions of the Municipal Land Use Law (MLUL) and the applicable regulations of the Council On Affordable Housing governing the provision of affordable housing under N.J.A.C. 5:93 and N.J.A.C. 5:94.

Executive Summary

As detailed previously, Wayne Township's third round fair share obligation is comprised of three components consisting of its Rehabilitation Share, Remaining Prior Round Obligation and its Projected Growth Share. Baseline affordable housing requirements are established by COAH for each municipality in the State of New Jersey and are detailed in Appendix F. COAH's calculated obligation for Wayne Township is summarized in Table 1 below:

Table 1
Third Round Fair Share Obligation in Housing Units
Township of Wayne, New Jersey

Rehabilitation Share	84
Prior Round Obligation 1987-1999	1158
Projected Growth Share	1029
Total Third Round Obligation	2271

Pursuant to N.J.A.C.5: 97-5.1 and N.J.A.C. 5:97-5.6 the township is seeking an adjustment to its COAH calculated affordable housing figures. The township's Fair Share Obligation as provided for in the plan is provided in Table 2 as follows:

Table 2
Adjusted Third Round Fair Share Obligation in Housing Units
Township of Wayne, New Jersey

Rehabilitation Share	13
Remaining Prior Round Obligation 1987-1999	0
Projected Growth Share	320
Total Third Round Obligation	333

The following summarizes the township's compliance plan with respect to Table 2:

1. The township has fully complied with its prior round obligation and has no remaining balance to address. It is noted that the township has bonus credits available to it as certified by COAH as a result of constructing housing units in excess of its requirements under the prior rounds. This is detailed in a subsequent section of this report.
2. The township will satisfy its Rehabilitation Share by rehabilitating 13 units expending an average minimum of \$10,000 per unit through its Housing Improvement Program and imposing the required affordability controls. The township has successfully demonstrated its ability to rehabilitate substandard units having rehabilitated in excess of its 59 units required pursuant to its prior round certified plan.
3. As will be detailed in the Plan, the township's Growth Share Obligation has been calculated as 320 affordable housing units. The township will address this growth share requirement by utilizing housing credits available to it under the current rules as detailed in this report and will satisfy the balance of its housing obligation by constructing a 100% affordable housing project on municipally owned land providing for both rental and for sale units affordable to family and seniors in accordance with the Third Round Rules.

Historical Background

The Township of Wayne has a long history of providing opportunities for developing affordable housing in the community and is a successful and experienced participant in the COAH process. Most significantly, the township has fulfilled its obligation to physically construct affordable housing units in the community and has in fact, constructed substantially beyond its second round obligation resulting in substantial housing credits that are eligible for use in the third round. In particular, since the township's second round certification in 1996 the Summer Hill Senior Housing Rental project consisting of 164 age restricted affordable rental units was constructed. This development is not included in the certified second round plan but was acknowledged by COAH when extended substantive certification was granted and adds additional affordable units to the township's housing inventory.

The township's history reflects its success in providing affordable housing and is worth noting. This history is referenced in this section to provide perspective on the township's compliance with its constitutional obligation to provide affordable housing.

The Township of Wayne's cumulative 1987-1999 affordable housing obligation was 1,217 units. Originally the subject of various builder remedy lawsuits, the township eventually settled its affordable housing obligation through the court system and was granted a six-year judgment of compliance and order of repose on September 10, 1993 retroactive to March 15, 1990. The court determined that Wayne Township's fair share cumulative obligation was 952 units and granted the township a vacant land adjustment. Subsequently, the court transferred the township to COAH's jurisdiction on February 21, 1996.

The township petitioned COAH for and received second round substantive certification on July 10, 1996. COAH honored the vacant land adjustment granted by the court in the first round and maintained the township's obligation at 952 units. Significantly, COAH determined the township's Realistic Development Potential or RDP as 893 new construction units and 59 rehab units. The plan certified by COAH incorporated a total of 476 credits for a regional contribution agreement (RCA) with the City of Paterson, 380 credits and bonus credits for units that had been built and 37 credits for units that had been previously rehabilitated pursuant to COAH rules leaving a remaining obligation of 59 units consisting of a 37-unit new construction obligation and a 22-unit rehabilitation obligation. Wayne then subsequently addressed its unmet need by adopting a development fee ordinance and constructing surplus units over its realistic development potential (RDP) due to the construction of the Parkside Court and Nellis Drive developments.¹

The township submitted an amended plan to COAH, which it approved on May 6, 1998. The amended plan certified by COAH included a total of 893 credits and bonus credits that included 42 units and 42 bonus units for Lincoln Crossing, 50 units and 50 bonus units in Brittany Chase, 125 age-restricted units and five bonus units in Sienna Village, 23 alternative living arrangement units and 23 bonus units for four group homes, 20 units in Crescent Court Condominiums, 476 RCA credits and 37 units that had been previously rehabilitated. The township subsequently rehabilitated 30 additional units thereby exceeding its rehabilitation requirement.

¹ COAH Staff Report dated April 28, 2005 prepared by James Cordingly, p. 3.

Wayne's certified plan also included a development fee ordinance that was approved by the court in the first round and adopted by the township on March 10, 1995. On July 10, 1996, COAH approved the existing ordinance for second round certification. COAH also approved the township's spending plan on July 10, 1996. Also, pursuant to N.J.A.C. 5:93-8.16(c) the township has expended 37 percent of its development fee revenues on affordability assistance. Pursuant to emergency rules adopted by COAH on October 13, 2004² the township applied for extended substantive certification on December 2, 2004. The township's petition for extended substantive certification was granted by resolution adopted by COAH on May 11, 2005. Significantly, and as a requirement to obtaining extended certification, COAH determined the township to be in compliance with its plan obligations and that the township had satisfied its unmet need Table 3 below summarizes the township's status regarding its 1987-1999 certified plan as approved by COAH. The projects listed have been physically constructed and bonus credits have been awarded the township by COAH pursuant to COAH regulations. The resolution granting extended substantive certification is appended as an exhibit to this report.

Table 3
1987-1999 Affordable Housing Units Constructed and COAH Approved Bonus Credits
Township of Wayne, New Jersey

Project	Location	Units Built ³	Unit Type	Occupancy
RCA	Paterson	476	RCA	Family
Rehabilitation	Various	59	Rehabilitation	Family
Lincoln Crossing	B 701/L 1	42	Rental	Family
Brittany Chase	B 3200/L 11	50	Rental	Family
Sienna Village	B 1203/L 32	125	Rental	Senior
Crescent Court	B 2800/L 50	20	Sale	Family
Group Homes	Various	23	Rental	Family
Parkside Court ⁴	B 3310/L 1	12	Sale	Family
Nellis Commons ⁵	B 1215/L 1	94	Rental	Family
Rental Bonus	(See Above)	214	NA	NA
Total Units		1,115		
Housing Obligation		952		
Credit		(163)		

Source: COAH Second Round Certification, Township Records

It should be further noted that subsequent to the grant of substantive certification, a 164-unit affordable age-restricted development financed by the New Jersey Housing and Mortgage Finance Agency was constructed on Summerhill Road. This development is recognized by COAH and, although not included in the township's certified plan, added additional affordable units to the township's housing inventory beyond its affordable housing obligation.

² COAH adopted N.J.A.C. 5:91-14.3 as an emergency rule effective 10/13/2004 and adopted N.J.A.C. 5:95-15.2 which replaced the October rule on December 20, 2004.

³ From 1993 Court judgment and 1996 Second Round COAH Certification

⁴ Satisfies Unmet Need per COAH Staff Report dated April 28, 2005 prepared by James Cordingly. See Page 5 of report.

⁵ Satisfies Unmet Need per COAH Staff Report dated April 28, 2005 prepared by James Cordingly. See Page 5 of report.

HOUSING ELEMENT

Community Overview

Wayne Township consists of 25.1 square miles and is located at the southern end of Passaic County adjacent to Bergen, Morris and Essex counties.

The Township of Wayne has a varied landscape comprised of mountainous terrain associated with the Preakness Mountain along the northeastern boundary between the township and the Boroughs of Franklin Lakes, Oakland, North Haledon and Haledon and the lowland flood prone areas associated with the Passaic River affecting the Old Wayne and Hoffman Grove sections of Wayne. There are extensive wetlands associated with the Passaic River particularly in the Old Wayne area that are either naturally associated with the river flood basin or were constructed by the State as part of the wetland remediation project required in conjunction with the construction of Route 287. There are also three residential lake communities - Lions Head Lake, Packanack Lake and Pines Lake. The Passaic Valley Water Commission (PVWC) maintains the Point View Reservoir.

Wayne enjoys good regional access and transportation routes provided by Interstate Highway Route 80, and state highway Routes 23 and 46. Interstate Highway Route 287 is also in close proximity of the township providing another major transportation link. The township has rail access in the Mountain View section of the town and New Jersey Transit maintains a major park and ride facility on Route 23. New Jersey Transit plans are pending for a major new park and ride facility also on Route 23 to replace the current facility with a parking deck and rail and bus platforms.

The Township of Wayne is a stable and older suburban community. The 1994 Master Plan prepared by Moskowitz, Heyer and Gruel describes the township as a developed suburban community. As noted in the township's 2003 Master Plan Reexamination Report, this finding remains a valid characterization today in that, the township's land use patterns are well established and are for the most part fixed. Development activity can be best described as infill development and redevelopment of existing properties.

Perhaps the most striking feature of Wayne Township for land use purposes is the fact that very little undeveloped land remains in the township. As analyzed for purposes of this plan and discussed in the township's Open Space Master Plan element adopted by the Township Planning Board on March 14, 2005, the inventory of remaining undeveloped land are best described as environmentally sensitive characterized by either steep slopes, wetlands or flood plain and very often combinations of these. This has the affect of limiting development and therefore, the future growth of the township. It is anticipated that development activity will decline substantially over the next few years as the township reaches full build out.

Inventory of Municipal Housing Stock

As required by the Municipal Land Use Law, this section will provide statistical details concerning the township's housing stock.

Table 4 indicates that between the 1990 and 2000 Census the township's housing stock grew by 2,992 units or 17.9 percent. This corresponds to the township's increase in population since the 1990 census.

Table 4
Dwelling Units: 1990-2000
Wayne Township, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
1990	16,306	-	-
2000	19,228	2,992	17.9%

Source: U.S. Census, 1990 and 2000

Table 5 provides more detailed information concerning the characteristics of the housing stock as it relates to the tenure and occupancy of dwellings in the township. Most housing units are owner occupied with only 16.3 percent of the units being occupied by renters in 2000. The township enjoys an extremely low vacancy rate of just less than 1 percent among owner occupied units and 3 percent for rental units. The vacancy rate for both housing categories declined substantially between 1990 and 2000 indicating a tighter housing market characterized by high demand.

Table 5
Occupancy Status: 1990 and 2000
Wayne Township, New Jersey

Category	1990 No. of Units	Percent	2000 No. of Units	Percent
Occupied Housing Units	15,757	96.6	18,765	100
Owner Occupied	13,289	84.3%	15,411	83.7
Renter Occupied	2,468	15.7%	3,354	16.3
Vacant Units	549	3.4%	463	2.4%
Homeowner Vacancy Rate	259	1.9%	134	0.9%
Rental Vacancy Rate	128	4.9%	106	3.0%

Source: U.S. Census, 1990 and 2000

As indicated in Table 6, the township's housing stock is comprised principally of single-family detached residential dwellings. However, it is noteworthy that the percentage of multifamily units as a proportion of the township's housing stock has increased in the past ten years indicating the increased construction of multifamily housing. It is further noted, as indicated in Table 7, that there is a disparity in bedroom distribution between owner occupied and rental units. The largest percentages of owner occupied dwellings were three bedroom homes as opposed to rental occupied units, which indicate that they were principally one-bedroom units.

Table 6
Units in Structure: 1990 and 2000
Wayne Township, New Jersey

Units in Structure	1990 Number	Percent	2000 Number	Percent
Total Housing Units	16,306	100	19,228	100
One Unit Detached	12,895	79	13,727	71.4
One Unit Attached	785	4.8	1,609	8.4
2 to 4 Units	740	4.5	701	3.6
5 to 9 Units	445	2.7	599	3.1
10 or More Units	1,127	6.9	2,414	12.5
Mobile Homes	314	1.9	178	0.9

Source: U.S. Census, 1990 and 2000

Table 7
Number of Bedrooms in Occupied Housing Units: 2000
Wayne Township, New Jersey

Bedrooms	Number		Percent	
	Owner	Renter	Owner	Renter
None	12	47	0.07	1.4
One	501	1,970	3.2	58.7
Two	2,044	844	13.3	25.1
Three	6,323	368	41.0	11.0
Four	5,054	102	32.8	3.0
Five or More	1,477	23	9.6	0.7
Total	15,411	3,354		

Source: U.S. Census, 2000

Table 8 indicates that the majority of housing units (57%) were constructed from 1940 to 1969. This corresponds to the township's period of greatest population growth. The housing stock may be considered middle aged. Consequently, most of the township's housing stock has not reached a point where a large cohort of units are entering into a period of high maintenance at one time or are prone to structural issues or functional obsolescence.

Table 8
Year Structure Built, 2000
Wayne Township, New Jersey

Year Unit Built	Number of Units	Percent
1999 to March 2000	222	1.2
1990-1998	2,647	14.1
1980-1989	2,101	11.2
1970-1979	1,659	8.8
1960-1969	5,126	27.3
1940-1959	5,567	29.7
1939 or Earlier	1,443	7.7

Source: U.S. Census, 2000

Housing condition is generally measured as a function of occupancy (how many occupants per room), how many units lack a kitchen facility and how many units lack complete plumbing facilities. These indices are important indicators of substandard housing that may exist in a community.

Table 9 identifies the extent of overcrowding which is defined as 1.01 or more persons per room. As indicated in Table 8, unit crowding is not an issue in the township for owner occupied units as less than 1 percent are considered crowded. The percentage of overcrowding is larger for rental occupied units at 3.1 percent although this is still not a significantly high figure.

Table 9
Occupants Per Room, 2000
Wayne Township, New Jersey

Occupants Per Room	Number of Units	Percent
Owner Occupied	15,411	100
0.50 or less	12,180	79.0
0.51 to 1.00	3,127	20.3
1.01 to 1.50	84	0.5
1.51 to 2.0	20	0.1
Mean	0.40	NA
Renter Occupied	3,354	100
0.50 or less	2,354	70.2
0.51 to 1.00	896	26.7
1.01 to 1.50	80	2.4
1.51 to 2.0	24	0.7
Mean	0.48	NA

Source: U.S. Census, 2000

As shown in Table 10, almost all of the township's housing units have kitchen, plumbing and heating facilities indicating that the lack of such facilities is not a major housing issue

Table 10
Kitchen, Plumbing and Heating, Occupied Units 2000
Wayne Township, New Jersey

Facility	Number		Percent	
	Owner	Rental	Owner	Rental
Kitchen				
Lacking Complete Facilities	14	17	Negligible	Negligible
With Complete Facilities	15,397	3,337	99.9	99.5
Plumbing				
Lacking Complete Facilities	29	19	Negligible	Negligible
With Complete Facilities	15,382	3,335	99.8	99.4
Heating Equipment				
Other Means, No Fuel Used	22	25	Negligible	Negligible
Standard Heating Facilities	15,389	3,329	99.86	99.26

Source: U.S. Census, 2000

Value comparisons yield important information as to affordability issues that may exist in a community. As indicated in Table 11 and 12, the median gross rent in the township in 2000 was \$943 and over 35 percent of all renters were paying more than 35 percent of their income monthly rent. It is interesting to note however, that 31 percent, the second largest percentage of renters paid less than 20 percent of their household income on monthly rent.

Table 11
Specified Renter Occupied Housing Units: 1990 and 2000
Wayne Township, New Jersey

Value Range Gross Rent	1990 Number	Percent	2000 Number	Percent
Less than \$300	112	4/6	72	2.2
\$300 to \$499	309	12.6	136	4.1
\$500 to \$749	824	33.7	569	17.0
\$750 to \$999	682	27.9	1,126	33.7
\$1000 or more	441	18.0	1303	38.9
No cash rent	78	3.2	140	4.2
Median (dollars)	\$738	na	\$943	na

Source: U.S. Census, 1990 and 2000

Table 12
Gross Rent As Percentage of Income: 1990 and 2000
Wayne Township, New Jersey

Value Range Percent	1990 Number	Percent	2000 Number	Percent
Less than 20 percent	672	27.5	1,046	31.2
20-24 percent	363	14.8	378	11.3
25-29 percent	364	14.9	341	10.2
30-34 percent	212	8.7	168	5.0
35 percent or more	739	30.2	1,202	35.9
Not computed	96	3.9	211	6.3

Source: U.S. Census, 1990 and 2000

Tables 13 and 14 describe owner occupied housing conditions related to value and cost. As indicated in Table 13, 77 percent of owner occupied units were valued from \$200,000 to \$499,000 and the median home value in 2000 was \$284,000. Interestingly, in 1999 almost half of all homeowners reported spending less than 20 percent of their income on selected monthly owner costs as a percentage of their household income.

Table 13
Value of Specified Owner-Occupied Housing Units: 1990 and 2000
Wayne Township, New Jersey

Value Range	1990		2000	
	Units	Percent	Units	Percent
Less than \$50,000	148	1.2	49	0.4
\$50,000 to \$99,000	359	3.0	137	1.0
\$100,000 to \$149,000	824	6.8	548	3.9
\$150,000 to \$199,000	2,283	18.9	1,520	10.9
\$200,000 to \$299,000	5,446	45.0	5,605	40.2
\$300,000 to \$499,000	2,722	22.5	5,145	36.9
\$500,000 or more	313	2.6	944	6.8
Median value (dollars)	\$241,300		\$284,800	

Source: U.S. Census, 1990 and 2000

Table 14
Selected Monthly Owner Costs As Percentage of Household Income: 1989 and 1999
Wayne Township, New Jersey

Value Range Percent	1989	Percent	1999	Percent
	Number		Number	
Less than 20 percent	6,017	49.7	6,278	45.0
20-24 percent	1,567	12.9	2,193	15.7
25-29 percent	1,137	9.4	1,582	11.3
30-34 percent	860	7.1	1,031	7.4
35 percent or more	2,489	20.6	2,823	20.2
Not computed	25	0.2	41	0.3

Source: U.S. Census, 1990 and 2000

To determine the number of housing units that may be affordable to low and moderate-income households COAH regional income limits were used. The median income for a three-person household (based upon an average household size of 2.74 persons per household for Wayne Township as the typical family) within the township's housing region (Region 1) is \$67,018. A moderate-income level for the same family size would be \$53,614. It is estimated that the affordable sales price for a family of three earning 80 percent of the median income is approximately \$155,000.00 assuming that the total monthly carrying cost including mortgage, insurance, mortgage insurance, taxes and association fees (if applicable) does not exceed 28 percent of income as required by State affordability requirements specified under N.J.A.C. 5:80-26.6. The distribution of housing values shown in Table 13 indicates that 5.3 percent of the housing stock was valued at under \$150,000.

For renter occupied units, an affordable monthly rent is estimated at \$1,348 per month. As indicated in Table 11, the majority of rental units (57%) fall within this rent range.

In addition to affordability issues, a housing element must consider the extent of substandard housing capable of being rehabilitated. According to COAH records, prior to December 20,

2004 and the adoption of COAH's third round regulations, Wayne Township was required to rehabilitate 59 units. The township submitted required documentation certifying that over 59 units were in fact rehabilitated after April 1, 1990 through the township's Housing Improvement Program. However, pursuant to the revised methodology adopted by COAH, Wayne township's rehabilitation obligation was recalculated resulting in a rehabilitation obligation of 84 units. This figure is an overestimation of the rehabilitation needs of the township's housing stock.

The township's housing stock has not declined in a manner that would suggest that there is now a rehabilitation obligation greater during this round than existed in the prior round obligation.

Furthermore, municipal action taken by the township over the years has served to reduce greatly its substandard housing stock.

COAH staff recognized that the township rehabilitated 8 housing units beyond its original rehabilitation obligation of 59 units in its analysis and conclusions reached when the township applied for extended certification. Furthermore, the township continued a rehabilitation program that rehabilitated 5 additional housing units since 2005.

Perhaps more significant has been the township's action to purchase and demolish housing units in the Hoffman Grove section located within the floodway of the Passaic River. The objective of the program is to move residents away from the hazards of constant flooding through a flood buy out program and restore the floodway to its natural state as parkland. Through a combination of federal, state and municipal funding, the township has expended over \$11 million dollars purchasing and demolishing 70 housing units within one of the poorest sections of the township. The township is seeking additional grant funding to purchase an additional 28 units. The significance of this program to the rehabilitation component is that the Hoffman Grove area was a prime area eligible for rehabilitation. The flood buy out program removed a sizeable stock of substandard housing from the township's housing stock. Although there remain income eligible families within the Old Wayne area, the township cannot identify 84 units that will qualify for rehabilitation since the pool of potentially eligible housing structures has been greatly diminished by the success of the township's rehabilitation and flood buy out programs.

Population Analysis

The following section provides population data as required under the Municipal Land Use Law.

Tables 15 and 16 illustrate the township's population growth over the past 60 years including a comparison with Passaic County as a whole. As indicated in the table, the township experienced its greatest population surge from 1950 to 1970 where the township grew by over 37,000 residents. The single largest growth period occurred between 1950 to 1960 when the township expanded its population by almost 1.5 times. With the exception of 1980 when there was a slight decline in total population, the township has experienced sustained growth over the years. When compared to the county as a whole, the township exceeded county growth rates. Although the rate of growth has slowed substantially over the past 20 years, the township continues to grow in population. It is anticipated however, that the rate of population growth will continue to slow substantially as the township approaches full build out potential in the decades to come.

Table 15
Rate of Population Growth: 1940-2000
Wayne Township, New Jersey

Year	Population	Population Change	Percent Change
1940	6,868	-	-
1950	11,822	4,954	72.1
1960	29,353	17,531	148.3
1970	49,141	19,788	67.4
1980	46,474	(2,667)	(5.4)
1990	47,025	551	1.2
2000	54,069	7,044	13.0

Source: U.S. Census Data

As part of the population analysis, information regarding births and deaths are illustrated in Table 16. Since 1990, the township has experienced varied growth between births over deaths. Based upon the difference between births and deaths from 1990 to 2002, the township experienced a natural population increase on average of 77 persons per year.

Table 16
Number of Births and Deaths: 1990-2002
Wayne Township, New Jersey

Year	Births	Deaths	Difference
1990	539	384	155
1991	512	413	99
1992	569	424	145
1993	530	436	94
1994	543	527	16
1995	543	498	45
1996	594	484	110
1997	630	532	98
1998	619	508	111
1999	579	518	61
2000	630	555	75
2001	555	554	1
2002	563	569	(6)

Source: State of New Jersey, Department of Health Center for Health Statistics

Age characteristics determine the nature of the population and depending upon its composition will greatly influence housing need and demand. As indicated in Table 17, the township is changing demographically and is aging. The fastest growing segment of the population is the senior population age 65 and older that grew by 41% since 1990 followed by the Under 5 and five to fourteen age categories that increased by 24.2% and 35.8% respectively. The age group 35-44 remains the single largest age group making up 17.25 of the total township's population thereby influencing the township's median age of 40 years. It is significant to note however, that the senior population over 65 now makes up the second largest percentage of residents at 16.2 percent of the township's total population. It is noteworthy however, that younger families are moving into the township as evidence by the growth in the under 5 and 5-14 age groups. The implication for housing indicates that there is a growing demand for senior housing while families will seek to move into housing units formerly occupied by seniors, i.e., filtering through the housing market. This helps to explain the increase in population despite the substantial lack of increased housing stock.

Table 17
Age Characteristics: 1990 And 2000
Wayne Township, New Jersey

Age Group	1990 Number	Percent	2000 Number	Percent	Difference	Percent Change
Under 5	2,666	5.6	3,313	6.1	647	24.2
5 -14	5,363	11.3	7,285	13.5	1,922	35.8
15-24	6,948	14.7	6,311	11.7	(637)	(9.1)
25-34	6,633	14	5,608	10.4	(1,025)	(15.5)
35-44	7,484	15.8	9,316	17.2	1,832	24.5
45-54	6,238	13.2	7,857	14.5	1,619	25.9
55-64	5,771	12.2	5,617	10.4	(154)	(2.7)
65 years and over	6,192	13.1	8,765	16.2	2,573	41.6

Source: U.S. Census, 1990 and 2000

Table 18 presents the change in household size between 1990 and 2000. The table indicates that household size declined slightly from 2.86 persons per household to 2.74 persons. This is contrary to the trend exhibited for Passaic County as a whole that indicates that household increased slightly from 2.85 to 2.92. The decrease in household size, although contradicted by the growing number of children in the township, reflects the aging of the township's population and is consistent with the increasing number of seniors and declining birth rates among families.

Table 18
Household Characteristics: 1990 to 2000
Wayne Township, New Jersey

	1990		2000	
	Number	Percent	Number	Percent
Total Households	15,757	100.0	18,760	100.0
Family Households	12,792	81.2	14,381	76.7
Non-Family Households	2,965	18.8	4,379	23.3
Persons Per Household	2.86	na	2.74	na

Source: U.S. Census, 1990 and 2000

Table 19 details the income characteristics for Wayne Township. From 1989 to 1999, there was an income shift within the township where the proportion of the population with earnings exceeding \$75,000 and more increased significantly.

Table 19
Income Characteristics: 1989 And 1999
Wayne Township, New Jersey

Income Category	1989 Number	Percent	1999		Difference	Percent Change
			Number	Percent		
Less than \$10,000	648	4.1	578	3.0	-70	-10.8
\$10,000-\$14,999	490	3.0	478	2.5	-12	-2.4
\$15,000-\$24,999	1,240	7.8	1,160	6.2	-80	-6.45
\$25,000-\$34,999	1,457	9.2	1,118	5.9	-339	-23.3
\$35,000-\$49,999	2,620	16.5	1,971	10.5	-649	-24.8
\$50,000-\$74,999	3,629	22.9	3,068	16.3	-561	-15.4
\$75,000-\$99,000	2,702	17.1	2,925	15.6	223	8.2
\$100,000-\$149,000	1,966	12.4	4,195	22.4	2,229	113.4
\$150,000 or more	1,082	6.8	3,267	17.4	2,185	201.9

Source: U.S. Census, 1990 and 2000

Table 20 provides a description of income characteristics between 1989 and 1999. In 1999, the median household income was \$83,651 and those persons living below the poverty level was only 2.8 percent, just slightly higher than the 2.3 percent reported in 1989.

Table 20
Income Characteristics: 1989 and 1999
Wayne Township, New Jersey

	1989	1999
Per Capita Income	\$25,131	\$35,349
Median Household	\$59,290	\$83,651
Median Family	\$64,933	\$95,114
Percent Below Poverty Level	2.3%	2.8%

Employment Analysis

In addition to housing and demographic data, the Municipal Land Use Law requires employment data as part of a Housing Element to complete the background information needed to proceed with providing an analysis and community plan for affordable housing.

Tables 21 and 22 detail the employment characteristics of Wayne Township. The primary occupation is in managerial and professional services followed by sales and office workers. When broken down into more specific industries education, health and social services, professional, manufacturing and retail sales are the principal industries of employment. According to the 2000 Census, the township's unemployment rate was only 2.5 percent of the total labor force 16 years and over.

Table 21
Employed Persons 16 & Over, By Occupation: 2000
Wayne Township, New Jersey

Occupation	Number	Percent
Managerial, Professional and Related Occupations	12,791	47.3
Services	2,614	9.7
Sales and Office	7,897	29.2
Farming, Fishing and Forestry	21	0.1
Construction	1,627	6.0
Production, Transportation and Material Moving	2,070	7.7
TOTAL	27,020	100

Source: U.S. Census, 2000

Table 22
Employed Persons 16 & Over, By Industry: 2000
Wayne Township, New Jersey

Industry	Number	Percent
Agriculture, Forestry, Fishing, Hunting, Mining	71	0.3
Construction	1,490	5.5
Manufacturing	3,879	14.4
Wholesale trade	1,432	5.3
Retail trade	3,100	11.5
Transportation, Warehousing and Utilities	1,023	3.8
Information	1,277	4.5
Finance, Insurance, Real Estate (FIRE)	2,605	9.6
Professional, Scientific, Management, Admin	3,551	13.1
Education, Health and Social Services	5,452	20.2
Arts, Entertainment, Recreation, Food Services	1,266	4.7
Other (except public administration)	964	3.6
Public Administration	960	3.6
TOTAL	27,020	100

Source: U.S. Census, 2000

Table 23 provides details concerning the fluctuation in the number of jobs in Wayne over the past decade.

Table 23
Employment
Wayne Township, New Jersey

Year	Number of Jobs
1997	34,415
1998	33,606
1999	34,887
2000	33,897
2001	32,467
2002	31,953
2003	32,768
2004	33,785
2005	33,698
2006	33,605

NJ Dept. of Labor and Workforce Development QEWS

As detailed by Table 23, job growth has fluctuated over the past decade from a high of 34,887 in 1999 to its present figure of 33,605 in 2006. The lowest job count of 31,953 jobs occurred in 2002 and the number has made modest gains since but has not achieved the levels of earlier years. Significantly, the township at no time ever approached the type of job growth envisioned by the COAH estimate of 7,276 jobs but rather has fluctuated between 33,000 to 34,000 jobs annually. Based upon the historical trend provided in Table 23, the present global economic crisis, the loss of jobs by the relocation of corporate offices out of Wayne like State Farm, Rickett Coleman, and Union Camp, the lack of available land for new construction, it is highly unlikely that the township will ever approach the COAH job growth estimate. This estimate even far exceeds the original estimate provided by the NJTPA as part of the prior Third Round process that projected Wayne to grow by 1,020 jobs from 2005 to 2015.

FAIR SHARE OBLIGATION

Introduction

As discussed previously, the methodology for determining a community's third round affordable housing obligation changed significantly with the adoption of the new rules by COAH. A municipality's fair share obligation now consists of three components:

The Rehabilitation Share;
The Remaining Prior Round Obligation (1987-1999); and
Growth Share

Wayne Township's third round obligation is detailed in the ensuing sections.

Rehabilitation Share

The rehabilitation share component of the affordable housing obligation is based upon that portion of Wayne Township's existing housing stock calculated to be deficient by COAH. COAH defines the rehabilitation share as "the number of deficient housing units occupied by low and moderate income households within a municipality, established in Chapter Appendix B that must be addressed in a Fair Share Plan." (See COAH Rules: 5:97-1.4, Definitions).

COAH has established the township's rehabilitation at 84 units. As discussed in the Housing Element portion of this plan, this figure is unrealistic given the declining pool of structures eligible for the program and the relative health of the township's housing stock. As indicated in Table 10 less than 1% of the township's housing stock is considered substandard. This was reflected by COAH's first third round Rehabilitation Obligation assigned to the township of only 13 units. The sudden increase to 84 units is not supportable given the housing statistics presented herein or accurately reflects existing conditions as described by this report.

Consequently, on the basis of past rehabilitation activities and the success enjoyed thus far of the township's Flood Buyout Program, the township asserts that the original rehabilitation obligation of 13 housing units previously assigned is more reasonable and supportable given the present condition of the township's housing stock.

Remaining Prior Round Obligation

The township's Prior Round Obligation is that obligation assigned by COAH in the first and second rounds.

As discussed previously, the township received a court approved vacant land adjustment in 1993 that established and reduced the township's fair share obligation under the first round from 1,217 units to 952 units comprised of 893 units for new construction and 59 rehabilitation units.

COAH honored and accepted the Court approved figure of 952 units and granted substantive certification to the township in 1996. This action established the township's RDP as 893 units.

Section 5:97-5.1(c) of the COAH Rules states "A vacant land adjustment that was granted as part of a second round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment."

As detailed in Table 3 (presented previously) and as described by COAH in its resolution granting extended substantive certification adopted in 2005, the township has implemented all of the terms of its certification and fully satisfied its affordable housing obligation under the prior round. As detailed in the historic background presented previously, the township has constructed affordable housing units in excess of its prior round obligation.

In accordance with COAH Rule 5:97-3.1(b)1 the rental requirement for the prior round obligation is based upon the following formula: $\text{Rental Requirement} = .25(\text{Prior Round Obligation} - \text{Prior Round cycle credits} - \text{Impact of 20\% cap} - \text{Impact of 1000 unit limitation})$. Based upon this formula the township's prior round rental requirement is: $.25(893 - 0 - 0 - 0) = 224$ rental units. As detailed in Table 3, the township constructed 334 rental units thereby exceeding the rental requirement by 110 units.

In accordance with COAH Rule 5:97-3.10(c)1 the maximum number of age-restricted units cannot exceed: $.25(\text{Prior Round Obligation} + \text{Rehabilitation Share} - \text{prior cycle credits} - \text{rehabilitation credits} - \text{impact of 20\% cap} - 1000 \text{ unit limitation} - \text{transferred RCA})$. Based upon this formula the maximum number of age restricted units permitted in the prior round: $.25(893 + 59 - 0 - 0 - 0 - 0 - 476) = 119$ age restricted units. There are 125 senior units within the Sienna Village Senior Development, which exceeds the maximum number of units by 6. However, it should be noted that this was a Court approved project that was incorporated into the township's judgment of repose prior to the vacant land adjustment and was based upon the then existing 1,000 unit cap which permitted the 125 units. It should also be noted that the township exceeded its obligation for family rental units so that there is no shortfall within the total prior round obligation caused by this change in conditions that contributes to the township's growth share obligation.

It is also important to reiterate that COAH acknowledged within its findings granting extended substantive certification that the township had satisfied its unmet need.

Based upon the township's compliance with its certified plan, the township's remaining prior round obligation is zero.

Growth Share

The township's growth share obligation is based upon the township's projected residential and employment growth in the municipality between the period January 1, 2004 to December 31, 2018. As defined by COAH in its rules, N.J.A.C. 5:97:1.4, growth share is defined as:

The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit for every five market-rate housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality in accordance with Chapter D pursuant to the methodology detailed in N.J.A.C. 5:97-2.

COAH assigns a growth share figure for each municipality within the State based upon its Appendix D and F. According to COAH, the township is expected to grow by 2,870 residential units and 7,276 jobs. This generates a projected growth share obligation for affordable housing of 1,029 units.

Based upon the scarcity of available land to accommodate development, actual development trends and current land use policies of the township, the Township of Wayne will never meet these figures. Consequently, and in accordance with COAH Rule 5:97-5.1(c), the township is seeking an adjustment of its COAH assigned growth projection.

A detailed planning capacity analysis was made to determine a more appropriate build out figure that reflects the developed character of the community, existing environmental conditions and development trends. In considering future growth, judgments were made as to the amount of development expected to reasonably occur over the next fifteen years taking into consideration certificate of occupancies already issued, development approvals likely to result in construction and the availability of land for future development. Environmental factors that limit development also impact the township's future development potential and must be considered in calculating the township's future growth. The amount of development anticipated to occur is then converted into affordable housing units pursuant to COAH requirements.

A careful analysis was undertaken to determine the township's growth share obligation including an analysis of vacant land available for future development taking into consideration environmental factors that impact land development. As noted previously in the community overview portion of this report, the township is reaching its full build out potential. Those vacant parcels remaining available for development either already have been approved for development or are so severely constrained by environmental limitations that no, or only limited, development is anticipated.

Building and Approval Trends

The township is rapidly depleting available land resources as evidenced by the substantial slow down in building permit and certificate of occupancy activity. Further, there has been a tremendous decline in development applications, most notably over the past four years.

As indicted in Table 24, certified housing units have declined from 63 units in 2004 to 29 in 2007.

TABLE 24
TEN-YEAR HISTORIC TREND OF RESIDENTIAL CERTIFICATES OF OCCUPANCY AND
DEMOLITION PERMITS, 1995-2005 (YTD)
WAYNE TOWNSHIP, NEW JERSEY

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
CO's Issued	324	175	56	146	36	90	63	22	12	36
Demolitions	1	1	3	1	3	0	0	0	1	7
Net	323	174	53	145	33	90	63	22	11	29

NJDCa Division of Codes and Standards

The same holds true for non-residential development.

TABLE 25
TEN-YEAR HISTORIC TREND OF NON-RESIDENTIAL CERTIFICATES OF OCCUPANCY AND
DEMOLITION PERMITS, 1995-2004 (Square Footage)
WAYNE TOWNSHIP, NEW JERSEY

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
CERTIFICATES OF OCCUPANCY										
Assembly Uses (A1)	9,500			9,500						
Assembly Uses (A2)										
Assembly Uses (A3)	3,270	5,836	8,052	1,164	3,570			10,336		
Assembly Uses (A4)			6,799		2,131		7,544			
Office (B)	43,740	5,220	37,297	21,343	373,293	261,181	5,603	26,345	265	
Retail (M)	42,763	30,204	42,906		13,500	61,020		4,434		
Education (E) ⁵	40,260	6,330	30,810	18,512			27,275	135,344	800	9,795
Factories (F)	22,837									
Institutional (I)	93,333	102,382		1,440	174,853					
Hotels/Motels (R1)				2,695				89,393		
Storage (S)										
DEMOLITION										

NJDCa Division of Codes and Standards

⁵ Exempted from calculation

Examining recent land use board approvals, development trends over the past few years and pending applications yields a total development scenario for the township of 495 residential housing units and 3,541 jobs corresponding to roughly 30 residential units and 236 jobs per year from 2004 through to the year 2018. This build out figure utilized present zoning, current master plan policies and incorporates anticipated development after an analysis of the township's available vacant land.

According to the township Engineering Department, the Township of Wayne is 95.2 percent developed. Removing parcels located within the flood way and flood plain, the township is 96.5 acres developed with 560 acres remaining vacant.

Included in the appendix of this plan is a detailed listing of all vacant parcels. Also included are maps identifying the parcels with overlays of environmental constraints. The data supports the conclusion that the inventory of available vacant land will not yield much development in the future.

Master Plan policies adopted by the township discourage overdevelopment of lots, increased densities in violation of the township's zoning regulations and Environmental Protection Ordinance and, given the developed character of the community, do not encourage rezoning property for increased residential development. Consequently, the township's land use boards have consistently denied development applications that violate the township's land use policies. Furthermore, it is anticipated that non-residential development will occur as redevelopment of existing facilities, as opposed to new development on vacant land, yield some but not tremendous amounts of new non-residential floor area into the township's non-residential inventory. Case in point would be the Wayne Towne Square Mall, which demolished the interior mall structure and rebuilt less square footage than previously existed.

The exception to this low growth scenario is the township's plan to promote commercial development of the NJ Transit Route 23 Transit Center. The township has drafted a development plan that calls for the development of a mix of commercial land uses on the property taking advantage of the mass transit facilities and site's key location in the region while accommodating the affordable housing requirements generated by this development on township owned parcels directly across the highway. The Plan detailing development of the area is appended to this plan. The commercial development stemming from the potential construction of a 600,000 square foot mixed use building containing retail, restaurants, a hotel center and office space has been factored into the this plan's anticipated job growth and corresponding affordable housing requirements presented herein.

Based upon an analysis of present trends and the land capacity of the township, the township's true development potential is determined to be 495 residential housing units and 3,541 jobs. These figures will be utilized for determining the Township's Growth Share Obligation under COAH rules.

FAIR SHARE PLAN

Fair Share Plan

Wayne Township has complied with its second round certified plan and has constructed affordable housing units in excess of its 1987 to 1999 obligation. Consequently, the township has satisfied its prior round obligation and does not have prior round units to address.

As discussed in the plan, the township's appropriate rehabilitation obligation is 13 units. The township will rehabilitate 13 units expending an average minimum of \$10,000.00 per unit in order to satisfy its rehabilitation obligation. The township will accomplish this through its Housing Improvement Program. Given the history of the township's successful performance in rehabilitating substandard units, the township has the demonstrated capacity to complete this obligation.

The township's growth share obligation, as calculated by the township analyzing its capacity to develop given the lack of vacant and suitable land, is 320 units.

The township intends to satisfy its entire obligation on municipally owned property identified as Block 402, Lot 2; Block 403, Lot 1; Block 404, Lot 1 and 605, Lot 7. The combined parcels provide approximately 90 acres of land with frontage on Route 23 and West Belt Parkway. Although constrained by the presence of wetlands an NJDEP LOI for the combined parcels of Block 402, Lot 2, Block 403, Lot 1 and Block 404, Lot 1 indicates that there are at least 25 acres of developable upland area. An LOI will be required for Block 605, Lot 6.

The close proximity to the NJ Transit Route 23 Transit Center concentrates the residential development in close proximity to mass transit as contemplated by State Plan Smart Growth policies. The township has developed a draft Wayne Transit Zone Plan Element with an implementing draft ordinance that details the future development plans for the area. A copy of the document is appended to this plan. The plan is presently before the Planning Board for adoption.

The township will develop on its municipally owned site a 100% affordable housing project that will provide for both for sale and rental units to satisfy its third round Growth Share Obligation in accordance with COAH component requirements for family and senior persons as follows:

- A minimum of 25% of the units will be rental.
- In accordance with P.L. 2008, Chapter 46 a minimum of 13% of the units will be reserved for very low-income households.
- A minimum of 50% of the units will be reserved as family units including at least 50% of the rental units.
- No more than 25% of the units may be age restricted.

Further, it is noted that the maximum number of bonus credits are capped at 25% of the total Growth Share Obligation in accordance with N.J.A.C. 5:97-3.2. Based upon this 25% cap, the township cannot claim credits beyond 80 units.

The township will construct the project according to the following schedule:

• Total Growth Share Obligation	320 units
• Minimum Rental Units (320 x .25)	80 units
• Minimum Family (320 x .5)	120 units
• Minimum Family Rental Units (80 x .5)	40 units
• Minimum Units Reserved for Very Low (320 x .13)	42 units
• Maximum Age Restricted (320 x .25)	80 units
• Less Credits Claimed from Prior Round Age Restricted Rental from Summerhill Road	80 units
• Less Rental Bonus	80 units

Actual units to be constructed	160 units
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Spending Plan

The township will continue to collect monies generated by its development fee ordinance for use in promoting affordable housing in the community. As of the date of this plan, the township's Housing Development and Trust Funds have a combined current balance of \$1,375,787.0. The township's development fee ordinance has been previously approved by COAH and is incorporated into this plan by reference.

The township's COAH approved affirmative marketing plan is also incorporated into this plan by reference and remains valid.

The township will commit to utilize the monies within its Housing Development and Trust Funds to facilitate the construction of affordable housing units on the designated municipally owned property referenced in the plan. The nature of this assistance can take a number of forms such as infrastructure improvements and direct financial assistance. The final decision for how the funds can be best utilized will be determined at the time the project is formalized through the RFP process and a specific developer and project is designated. Additionally, the township will continue to subsidize Sienna Village with an annual contribution of \$50,000.00 in financing assistance. The funds will also be utilized to pay for administrative costs in accordance with N.J.A.C. 5:97 - 8.9.

As indicated previously, funding for the township's housing rehab program will be provided through the township's CDBG program. This program may also be utilized for other affordable housing funding opportunities in the future. Funding will be provided to meet at least the minimum \$10,000 per unit rehab requirement.